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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,712	11/24/2003	Nigel Green	ZNET.099A	5376
20995 7590 05/01/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
LIU, LIN				
ART UNIT		PAPER NUMBER		
2445				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/720,712

Applicant(s)

GREEN, NIGEL

Examiner

LIN LIU

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 and 49-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 49-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed on 01/12/2009.
2. Claims 1-43 and 49-64 are pending and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-14, 16-17, 18-37, 39-43, 49-60 and 62-64 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mateos (PGPUB: US 2003/0050995 A1)**.

With respect to **claim 1**, Mateos teaches a method of dynamically generating and serving web pages, the method comprising:

receiving a page request at a server, the page request generated by a web browser running on a user computer and corresponding to a web page that is generated dynamically (Mateos: fig. 2, page 2, paragraphs 27-28, noted that the browser request);

in response to the page request, sending a service request to a service to request service data to incorporate into the web page (Mateos: fig. 2, page 2, paragraph 28, noted that the web server accesses a repository of view templates for dynamic web pages);

before the service returns the service data, transmitting to the web browser a first portion of the web page, said first portion including viewable content, and including a placeholder for the requested service data (Mateos: page 1, paragraph 15, page 3 paragraph 58 and page 5 paragraphs 76 & 80, noted that the dynamic information and the corresponding instructions are transmitted to the client computer independently in two steps);

after the service returns the service data and before the web page has been fully loaded, transmitting to the web browser a second portion of the web page, the second portion including the service data (Mateos: page 3 paragraph 58 and page 5 paragraphs 76 & 80, noted that the second section of the view template is transmitted independently to the client); and

transmitting to the user computer a page update handler which, when executed by the web browser, incorporates the service data included within the second portion of the web page into the first portion of the web page in a viewable form (Mateos: page 1, paragraph 15, page 3 paragraph 58 and page 5 paragraphs 76 & 80).

With respect to **claim 2**, Mateos teaches the method of Claim 1, wherein the placeholder comprises a display object, and the page update handler populates the display object with at least some of the service data included within the second portion of the web page (Mateos: page 5 paragraphs 76 & 80).

With respect to **claim 3**, Mateos teaches the method of Claim 2, wherein the display object is positioned above at least some of said viewable content within the first portion of the web page (Mateos: page 5 paragraph 86).

With respect to **claim 4**, Mateos teaches the method of Claim 1, wherein the service data is included in the second portion of the web page in a condensed form in which at least some format coding is omitted, and the page update handler adds format coding to the service data to format the service data for display, whereby a quantity of data transmitted to the web browser is reduced (Mateos: page 3 paragraph 55-56 and page 5, paragraph 71).

With respect to **claim 5**, Mateos teaches the method of Claim 1, wherein the service data is included in the second portion of the web page in a hidden format (Mateos: page 3 paragraph 55-56 and page 5, paragraph 71).

With respect to **claim 6**, Mateos teaches the method of Claim 1, wherein the page update handler is transmitted to the user computer as part of the first portion of the web page (Mateos: page 2 paragraph 28).

With respect to **claim 8**, Mateos teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion of the web page in response to a failure of the service to return the service data within a selected time interval (Mateos: page 2 paragraph 28).

With respect to **claim 9**, Mateos teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion of the web page in response to a server decision to defer rendering of a portion of the web page, said server decision being based at least in part on response time data collected for the service (Mateos: page 5 paragraph 75).

With respect to **claim 10**, Mateos teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion of the web page in response to a server decision to defer rendering of a portion of the web page, said server decision taking into consideration at least one of the following: (a) a load level of the service, (b) a load level of a web server system that responds to the page request (Mateos: page 5 paragraph 75).

With respect to **claim 11**, Mateos teaches the method of Claim 1, wherein the second portion of the web page includes a command that causes the web browser to execute the page update handler (Mateos: page 5 paragraphs 76 & 80).

With respect to **claim 12**, Mateos teaches the method of Claim 1, wherein the first portion of the web page includes a command that causes the web browser to execute the page update handler upon completion of loading of the web page (Mateos: page 2 paragraph 28).

With respect to **claim 13**, Mateos teaches the method of Claim 1, wherein the page update handler comprises a JavaScript function (Mateos: page 3 paragraph 55).

With respect to **claim 14**, Mateos teaches the method of Claim 1, wherein the service request is one of a plurality of service requests generated in response to the page request (Mateos: page 5 paragraph 72).

With respect to **claim 16**, Mateos teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a dimension of a window of the web browser running on the user computer (Mateos: page 5 paragraphs 76-79).

With respect to **claim 17**, Mateos teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a quantity of the service data (Mateos: page 5 paragraphs 76-79).

With respect to **claim 49**, Mateos teaches the method of Claim 1, wherein the method is performed by a web server system that comprises one or more physical servers (Mateos: fig. 1-2, page 2, paragraphs 22-24).

With regard to **claims 18-26 and 50**, the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17 and 49. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17 and 49 is used to reject claims 18-26 and 50. By this rationale **claims 18-26 and 50** are rejected.

With regard to **claims 27-37, 39-43 and 51**, the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17 and 49. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17 and 49 is used to reject claims 27-37, 39-43 and 51. By this rationale **claims 27-37, 39-43 and 51** are rejected.

With regard to **claims 52-60 and 62-64**, the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17 and 49. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17 and 49 is used to reject claims 52-60 and 62-64. By this rationale **claims 52-60 and 62-64** are rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Mateos (PGPUB: US 2003/0050995 A1)** in view of **Starkey (PGPUB: US 2002/0059327 A1)**.

With respect to **claim 7**, Mateos teaches a method of transmitting the instructions separately from the web page (Mateos: page 5, paragraph 80). However, Mateos does not explicitly teach a method of transmitting a page update handler to the user computer as part of a library file, separately from the web page.

In the same field of endeavor, Starkey teaches a method of transmitting a page update handler to the user computer as part of a library file, separately from the web page (Starkey: fig. 1, page 3, paragraphs 38-39, note the Java Classes).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Starkey in Mateos' invention in order to reduce network traffic by transmitting packets separately over the network.

8. Claims 15, 38 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mateos (PGPUB: US 2003/0050995 A1)** in view of **Samar (Patent no.: US 6,563,514 B1)**.

With respect to **claim 15**, Mateos teaches all of the claimed limitations, except that he does not explicitly teach a method of implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element.

In the same field of endeavor, Samar teaches a method of implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element (Samar: abstract, fig. 8, and col. 10, lines 26-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Samar in Mateos' invention in order to dynamically display the additional information with regard to the element without requiring any further action from the user (Samar: col. 1, lines 59-67).

With regard to **claims 38 and 61**, the limitations of this claim are substantially the same as those in claim 15. Therefore the same rationale for rejecting claim 15 is used to reject claims 38 and 61. By this rationale **claims 38 and 61** are rejected.

Response to Arguments

9. Applicant's arguments with respect to claims 1-43 and 49-64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/Patrice Winder/
Primary Examiner, Art Unit 2445